

**PORTLAND CITY COUNCIL AGENDA  
City Hall - 1221 SW Fourth Avenue  
WEDNESDAY, 9:30 AM, OCTOBER 21, 2020**

**Disposition:**

Please note, City Hall is closed to the public due to the COVID-19 Pandemic.

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, and the City has made several avenues available for the public to listen to the audio broadcast of this meeting.

The meeting is available to the public on the City's YouTube Channel, eGov PDX, [www.portlandoregon.gov/video](http://www.portlandoregon.gov/video) and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov).

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

**Provide Public Testimony:** City Council will hear public testimony on resolutions and ordinances (first readings only). Testimony is not taken on communications, reports, second readings, proclamations or presentations in accordance with Code 3.02.040 F. and G. Public testimony will be heard by electronic communication (internet connection or telephone). Please identify the agenda item(s) you want to testify on, and then visit the Council Clerk's agenda webpage to register, [www.portlandoregon.gov/auditor/councilagenda](http://www.portlandoregon.gov/auditor/councilagenda). Provide your name, agenda item number(s), zip code, phone number and email address. Individuals have three minutes to testify unless otherwise stated at the meeting.

**The deadline to sign up for the October 21-22, 2020 Council meeting is Tuesday, October 20, 2020 at 4:00 p.m.**

Email the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov) with any questions.

**TIMES CERTAIN**

<p><b>*826</b></p>	<p><b>TIME CERTAIN: 9:45 AM</b> – Authorize construction and permanent funding not to exceed \$25 million to Riverplace Phase 2 Housing Limited Partnership, or another BRIDGE Housing Corporation affiliate, for new construction of a 178-unit affordable rental housing project (Ordinance introduced by Mayor Wheeler) 30 minutes requested</p>	<p>See below.</p>
<p><b>827</b></p>	<p><b>TIME CERTAIN: 10:15 AM</b> – Amend permit fee schedules for building, electrical, land use services, mechanical, enforcement plumbing, signs, site development, and land use services fee schedule for the Hearings Office (Ordinance introduced by Commissioner Ryan) 20 minutes requested</p>	<p>See below.</p>
<p><b>828</b></p>	<p><b>TIME CERTAIN: 10:35 AM</b> – Proclaim October 2020 to be Breast Cancer Awareness Month (Proclamation introduced by Mayor Wheeler) 20 minutes requested</p>	<p>No fiscal impact.</p>

**CONSENT AGENDA – NO DISCUSSION**

**Mayor Ted Wheeler**

**Office of Management & Finance**

**\*829**

Amend District Property Management License Code related to the use of revenues collected for lighting and district amenities to increase the flexibility in the use of funds (Ordinance; amend Code Section 6.06.216)

The ordinance amends the code to enable qualified contractors to use revenues from the lighting and district amenities programs in excess of their costs and expenses for the general purposes outlined under Code Section 6.06.010, such as removing debris and other hazards in the downtown district. Prior to the adoption of this ordinance, the practice has been to place the excess revenues in reserve. Excess revenues have averaged \$202,393 over the last three years.

**Commissioner Chloe Eudaly**

**Bureau of Transportation**

**\*830**

Authorize a contract with the lowest responsible bidder for the Safe Routes to School Signalized Crossings and Street Lighting Project (Ordinance)

The project is comprised of six capital projects, all which are included in the Bureau's FY 2020-21 Adopted Budget. Funding sources include Fixing Our Streets, Cannabis Tax, and System Development Charges.

**Commissioner Amanda Fritz**

**Bureau of Environmental Services**

**OCTOBER 21-22, 2020**

**831** Authorize an Access Permit with PacifiCorp for the NE 33rd Drive Pump Station Upgrade, Project No. E10910 (Second Reading Agenda 815)

This legislation authorizes the Access Permit, including indemnification language. BES agrees to indemnify, defend and hold harmless PacifiCorp, its officers, directors, partners, members, employees, agents, successors and assigns them from and against any and all liability, loss or expense, including attorneys' fees, arising in connection with any federal or state statute, law, ordinance, regulation or judgment related to the existence, disposal or release of contaminants or pollutants brought onto the Premises by BES or its representatives. In addition, BES expressly assumes all risk in connection with its use of the Premises and Property.

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<p><b>Commissioner Jo Ann Hardesty</b></p> <p><b>Portland Fire &amp; Rescue</b></p>		
<p><b>*832</b></p>	<p>Accept and appropriate a grant in the amount of \$1,458,074 from the United States Department of Homeland Security to fund Portland Fire &amp; Rescue Technical Rescue Trainings and Station Source Capture Exhaust System (Ordinance)</p>	<p>This action appropriates \$1.5 million in grant resources in the bureau's FY 2020-21 budget. The 10% cash match is provided by existing facility and training budget, and the estimated ongoing maintenance and repair costs (\$400/station) are also funded through existing allocations.</p>
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Ted Wheeler and Commissioner Chloe Eudaly</b></p> <p><b>Bureau of Transportation</b></p>		
<p><b>833</b></p>	<p>Create a local improvement district to construct street, sidewalk, stormwater, sanitary sewer and water main improvements in the NW Park Ave and Johnson - Kearney Sts Local Improvement District (Hearing; Ordinance; C-10069) 20 minutes requested</p>	<p>See below.</p>
<p><b>Mayor Ted Wheeler</b></p>		
<p><b>834</b></p>	<p>Appoint Ernesto Fonseca and re-appoint Diane Linn to Portland Housing Advisory Commission for terms to expire October 21, 2022 (Report) 15 minutes requested</p>	<p>No fiscal impact.</p>
<p><b>Office of Management and Finance</b></p>		
<p><b>835</b></p>	<p>Update Loss Control and Prevention Code to streamline coordination and implementation of citywide loss prevention activities and remove the Loss Control and Prevention Advisory Committee (Second Reading Agenda 816; replace Code Chapter 3.54)</p>	<p>Proposed changes to Chapter 3.54 should not result in financial and budgetary impacts as City bureaus and offices will still be required to develop a Loss Prevention Plan.</p>
<p><b>836</b></p>	<p>Amend Administrative Policy, Loss Prevention Policy, to streamline bureau Loss Prevention Plan procedures and implementation (Second Reading Agenda 817; amend Administrative Policy 11.01)</p>	<p>See below.</p>
<p><b>Portland Housing Bureau</b></p>		

**\*837**

Amend approved application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Brookland located at 4245 SE Milwaukie Ave to increase the number of affordable units (Ordinance; amend Ordinance No. 189889) 10 minutes requested

This action would result in estimated foregone property tax revenues to the City totaling \$27,483 over ten years for 7 units affordable at or below 60%% MFI. Total cost to all jurisdictions forgoing revenue is estimated at \$83,280 The estimated value of the tax exemption for the first year is \$9,043 (all jurisdictions), which equals approximately \$121 per affordable unit per year of affordability. The City will still benefit from property taxes collected on the improved value of the land during the exemption period. The City will pay Multnomah County the \$5,950 application activation fee if the application moves forward.

<p><b>*838</b> Amend approved application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Nehalem Apartments located at 1645 SE Nehalem St to increase the number of affordable units (Ordinance; amend Ordinance No. 189215) 10 minutes requested</p>	<p>This action would result in estimated foregone property tax revenues to the City totaling \$142,964 over ten years for 11 units affordable at or below 80% MFI and 29 units affordable at or below 60% MFI. Total cost to all jurisdictions forgoing revenue is estimated at \$433,224. The estimated value of the tax exemption for the first year is \$47,040 (all jurisdictions), which equals approximately \$110 per affordable unit per year of affordability. The City will still benefit from property taxes collected on the improved value of the land during the exemption period. The City paid Multnomah County a \$9,000 application activation fee on January 2, 2019 for the first approved application and no further fees are due to Multnomah County should the amended application move forward.</p>
<p style="text-align: center;"><b>Commissioner Chloe Eudaly</b> <b>Bureau of Transportation</b></p> <p><b>*839</b> Authorize a contract with the lowest responsible bidder for the SW Capitol Highway: Multnomah Village – West Portland project (Ordinance) 15 minutes requested</p>	<p>See below.</p>
<p style="text-align: center;"><b>Commissioner Amanda Fritz</b> <b>Bureau of Environmental Services</b></p>	

**OCTOBER 21-22, 2020**

<p><b>840</b> Authorize Price Agreement for Pump Station Improvements for professional engineering design services for a total not-to-exceed amount of \$15 million (Second Reading Agenda 818)</p>	<p>The total not-to-exceed amount of \$15.0 million will be funded over the five-year program period through annual appropriations in the BES budget. The project is included in BES's FY 2020-21 Adopted CIP budget. Funding for the project is also included in BES's FY 2021-25 forecast in the Sewer System Operating Fund.</p>
<p><b><u>WEDNESDAY, 2:00 PM, OCTOBER 21, 2020</u></b></p>	
<p><b>841</b> <b>TIME CERTAIN: 2:00 PM</b> – Accept Guaranteed Maximum Price of \$79,607,637 from Kiewit Infrastructure West Co. for the construction of the Columbia Blvd Wastewater Treatment Plant Secondary Treatment Expansion Project (Procurement Report - RFP No. 00001126 introduced by Mayor Wheeler) 45 minutes requested for 841-842</p>	<p>See below.</p>
<p><b>842</b> Amend contract with CH2M Hill Engineers, Inc. to expand design, permitting, and construction support engineering services for the Columbia Blvd Wastewater Treatment Plant Secondary Treatment Expansion Program, Project No. E07947, not to exceed \$14 million (Ordinance introduced by Commissioner Fritz; amend Contract No. 30006543)</p>	<p>The requested contract amendment is not to exceed \$14.0 million, with a resulting total contract amount not to exceed \$43,501,454. The Confidence Level Rating Index for the PTE contract is "Optimal." The current overall project budget is \$411,300,000. Funding has been approved and is available in BES's FY 2021-22 forecast for the Sewer System Operating Fund. Funding will also be requested in the FY 2022-25 budgets.</p>
<p><b><u>THURSDAY, 2:00 PM, OCTOBER 22, 2020</u></b></p>	
<p><b>843</b> <b>TIME CERTAIN: 2:00 PM</b> – Report on recent work from the City Auditor including Groundwater; Enhanced Service Districts; Equity in Construction Contracting (Report introduced by Auditor Hull Caballero) 90 minutes requested</p>	<p>No immediate fiscal impact. The implementation of audit finding suggestions may have associated costs.</p>

<p><b>844</b></p>	<p><b>TIME CERTAIN: 3:30 PM</b> – Adopt Code and administration rules for the Community Opportunities and Enhancements Program (Ordinance introduced by Mayor Wheeler; add Code Chapter 5.35 and Portland Policy Document ADM 1.25) 45 minutes requested</p>	<p>See below.</p>
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**\*826 TIME CERTAIN: 9:45 AM** – Authorize construction and permanent funding not to exceed \$25 million to Riverplace Phase 2 Housing Limited Partnership, or another BRIDGE Housing Corporation affiliate, for new construction of a 178-unit affordable rental housing project

**CBO Analysis**

This Ordinance requests City Council approval of financing in an amount up to \$25,000,000 using North Macadam URA TIF funds from fiscal years 2020-22. Metro will contribute \$1,739,219 in Metro Affordable Housing Bond funds. The funds will allow BRIDGE Housing Development to construct a new 178-unit affordable housing project on the East Parcel of 2095 SW River Parkway. The Project will provide 17 housing units rented at or below 30% MFI, an additional 159 rented at or below 60% MFI with 20 of these subsidized with project-based Veterans Administration Supportive Housing vouchers to fund Permanent Supportive Housing, and two unregulated manager’s units. The financing amount is included in the PHB FY 2020-22 Adopted Budget and is also included in the bureau five-year forecast. The ongoing cost of monitoring compliance is anticipated in PHB staffing budgets. PHB will receive a program delivery fee from the project in the amount of \$39,219 at close of financing for administration of the Metro Bond funding in this project. The Project is applying and qualifies for System Development Charge (“SDC”) and Construction Excise Tax (“CET”) exemptions and building permit waivers, which collectively total an estimated \$2,498,440 in foregone City revenue.

**827 TIME CERTAIN: 10:15 AM** – Amend permit fee schedules for building, electrical, land use services, mechanical, enforcement plumbing, signs, site development, and land use services fee schedule for the Hearings Office

**CBO Analysis**

This ordinance increases permit fees collected by the Bureau of Development Services (BDS). These fees support BDS’ various development functions, most of which are intended to be self-supporting, which requires periodic fee increases. For several years between FY 2013-14 and FY 2018-19 BDS did not propose fee increases for most programs and actually reduced fees in FY 2016-17, but to keep up with rising costs, including a significant increase in rent costs for downtown office space, the bureau is implementing fee increases. This increase was intended to be effective July 1, 2020, but due to the economic uncertainty related to the COVID-19 crisis the changes were delayed.

This ordinance reflects fee increases of about 5% across most programs, with higher increases for some programs where the gap between service costs and fee amounts is wider. The bureau estimates that these changes will result in increased fee collection of \$1.7 million in the remainder of FY 2020-21 and \$2.9 million in a full fiscal year. This is not expected to fully cover the increase in costs BDS will face this year, but the bureau strives to make fee increases gradual to minimize impacts to its customers. The Fee & Regulations Subcommittee of the Development Review Advisory Committee has endorsed these fee changes, and BDS has proactively communicated with customers and stakeholders about the proposed changes.

BDS does not anticipate significant costs to the City from this ordinance; BDS staff will implement and administer the revised fee schedule as part of their existing workload. This ordinance does not amend BDS’ budget as the bureau’s FY 2020-21 budget includes revenue from these proposed fee increases.

**833** Create a local improvement district to construct street, sidewalk, stormwater, sanitary sewer and water main improvements in the NW Park Ave and Johnson - Kearney Sts Local Improvement District (Hearing; Ordinance; C-10069) 20 minutes requested

**CBO Analysis**

NW Park Avenue, NW Johnson Street and NW Kearney Street have been combined into a single Local Improvement District (LID). Total project costs are approximately \$27.6 million with a LID amount of \$23,000,000. Approximately 78% of the LID is apportioned to properties currently in the ownership of

Prosper Portland and approximately 22% of the LID is apportioned to properties currently in the ownership of Greyhound. An additional \$4.6 million in project costs will be funded by PBOT Transportation System Development Charge (TSDC) revenue.

As part of the Broadway Corridor project, Prosper Portland and the Office of Management and Finance (OMF) are negotiating the restructuring of an existing line of credit to be partially or fully repaid by future land sales, consistent with the terms of City Council's approval of the Broadway Corridor Omnibus Resolution on September 23, 2020. These negotiations are expected to be finalized within the next six (6) months. PBOT and OMF are also collaborating on an interim line of credit for the financing of the NW Park Ave and Johnson - Kearney Sts Local Improvement District. The ordinance indicates that additional costs that incur as a result from financing project costs on the line of credit will be added to the LID prior to final assessment.

The ordinance states that total project costs in excess of \$27.6 million will be allocated according to the terms identified in the Intergovernmental Agreement (IGA) currently being negotiated between PBOT and Prosper Portland for the Broadway Corridor area. Among the terms of the IGA that allocate potential cost overruns and cost exemptions, the IGA will also address strategies to reduce the risk of the LID defaulting. Per LID Code, a final assessment and LID payments, will not begin until the project is completed which is not expected until 2030. CBO notes that in an event most or all of the United State Postal Service (USPS) property remains in ownership by Prosper Portland until 2032, there is potential risk to the LID Fund (and ultimately the General Fund) if Prosper Portland defaults on the LID payments.

**836** Amend Administrative Policy, Loss Prevention Policy, to streamline bureau Loss Prevention Plan procedures and implementation

**CBO Analysis**

As the requirement to have a Loss Prevention Plan currently exists, there should not be additional staff hours required to coordinate, develop, and implement the plan. However, plan development has not been consistently and uniformly completed across all bureaus and offices. For this existing requirement, bureaus will need to dedicate staff time to coordination, development, and implementation of their Loss Prevention Plans. Risk Management estimates this will require from bureaus the following staff time:

- Coordination – 6 to 10 hours
- Development – 3 to 6 hours
- Implementation – will be dependent on what the bureau identifies as their loss prevention efforts to prioritize for the coming year

Risk Management staff will consult with and provide necessary assistance to all bureaus and offices on loss prevention and safety. This work will be completed within time already allocated for normal and routine bureau consultation. Risk Management will also lead and coordinate the Loss Prevention Committee. It is anticipated that this committee would represent all bureaus and meet no more than quarterly.

Bureau Loss Prevention Plans may identify additional safety needs. Future costs may include budget requests to address identified bureau-specific loss prevention and safety activities. With increased structure and standardization around plan development, potential future savings may include reduced workers' compensation costs and avoidance of Oregon OSHA fines. The potential future costs and savings is currently unknown.

**\*839** Authorize a contract with the lowest responsible bidder for the SW Capitol Highway: Multnomah Village – West Portland project (Ordinance) 15 minutes requested

**CBO Analysis**

Total funding allocated to the Project, across all project phases, including contributions from BES and the Water Bureau, is approximately \$27 million with funding included in PBOT, BES and Water's FY 2020-21 Adopted Budgets and Five Year Capital Improvement Plans. Project funding includes the "Fixing Our Streets" ten-cent gas tax, Transportation System Development Charges, a non-federal grant from the State of Oregon, and ratepayer charges from BES and PWB. A forthcoming MOU between PBOT, BES and PWB will establish the exact cost share on the Project, including a change management process.

**841** Accept Guaranteed Maximum Price of \$79,607,637 from Kiewit Infrastructure West Co. for the construction of the Columbia Blvd Wastewater Treatment Plant Secondary Treatment Expansion Project

**CBO Analysis**

As presented to Council on October 4, 2017, BES has engaged the services of a Construction Manager/General Contractor (“CM/GC”) for STEP. As anticipated at time of that legislation, two major construction packages are planned for, and this current legislation is focused on the first construction package, also referred to as Guaranteed Maximum Price (1) or “GMP 1”. The latest overall construction cost estimates, at 30% design completion, is \$301 million. While this legislation falls within the original authority granted to the Chief Procurement Officer, the project team will come to Council for a future legislation on the next construction package, identified as Guaranteed Maximum Price (2) (“GMP 2”). Based on the Guaranteed Maximum Price (1) received, the Bureau of Environmental Services anticipates the construction contract cost to not exceed \$79,607,637. Funding has been approved in the bureau’s FY 2020-21 budget and will be requested in the FY 2021-22 and FY 2022-23 budgets.

**844 Adopt Code and administration rules for the Community Opportunities and Enhancements Program**

**CBO Analysis**

The administrative rule for the COEP program will assess the 1% (of hard construction costs) fee using two methodologies:

1. A 1% charge based upon actual construction contracts \$500,000 or over executed, at the time they are executed, for one cohort of City bureaus primarily funded by rates and fees, either internal or external, including the Bureau of Environmental Services (BES), the Portland Water Bureau (PWB), and OMF-Facilities. The City Attorney’s Office will maintain a COEP Activity Based Rate Expenditure Rubric that delineates how PWB and BES funds can be used on COEP program expenditures.
2. Assessments for a second cohort of City bureaus that are not primarily funded by ratepayers, i.e. PBOT and Parks, that would be funded by CAL Target increases for those bureaus. The requested General Fund increase amounts for PBOT (\$173,345) and Parks (\$99,132) are based on the average annual revenue a 1% fee would hypothetically have generated for the COEP program over six prior fiscal years on contracts whose values were \$500,000 or over. Future years’ CAL allocations will be adjusted by the City Economist using whatever inflationary factors that are applied to other CAL targets, and will also be subject to Council-directed reductions like other CAL targets. CBO notes that the stable charges for these bureaus, while based on historical data, will necessarily deviate from future years’ 1% of construction costs because they will only increase by inflationary factors. *It should also be noted that while the ordinance language does not discuss the CAL target adjustments, it states that the Administrative Rules, which do direct them, is binding City policy.*

The Intergovernmental Agreement between OMF and Prosper Portland currently requires that the annual total of COEP fees, minus administrative costs, shall be expended using the following breakdown: 75% for Workforce Development and 25% for Business Technical Assistance. The Administrative Rules for the program provide examples of possible services that can be funded in each of these two categories.

OMF has a request in the FY 2020-21 Fall BMP for the General Fund resource associated with this ordinance. The Fall BMP request is a request for one-time General Fund discretionary resources on behalf of PBOT and Parks, \$173,345 and \$99,132 respectively. OMF also submitted as part of the FY 2020-21 Fall BMP a request for a CAL adjustment for the PBOT and Parks appropriation to be included in FY 2021-22 CAL Targets. The interagency revenue from BES, Water, Facilities and potentially other bureaus is currently indeterminate (but will be determined using methodology #1 above). OMF will work with bureaus to determine the estimated COEP charge and submit a request matching bureau estimates in the Spring BMP.